REMARKS

Claims 2-3 and 6-15 are pending in the application. Claims 2, 3, and 6-15 have been rejected.

Claims 2-3, 6-8, 10-12 and 14-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tirrell et al. (U.S. Pat. No. 5,828,546) in view of Zeidan et al. (U.S. Patent No. 6,478,170).

The present invention provides a panel for a circuit sled module which performs several functions. First, the panel serves as a front panel for the circuit sled module. Second, the panel serves as a lever for inserting the circuit sled module into a tray, for extracting the circuit sled module from the tray, and for locking the circuit sled module in place. Finally, the panel includes grounding tabs for grounding the panel to adjacent panels or the tray and for providing an electrically continuous surface across multiple panels, and therefore an electromagnetically enclosed structure. The combination of these functions in the panels is an improvement over the prior art in which a front panel is permanently affixed to the sled module and contains holes through which screws may be inserted to screw the sled module to a portion of the tray in which it is housed.

The Applicant agrees with the Examiner that Tirrell et al. disclose a panel, rotatably connected to a circuit sled module and having at least one hook for engaging a tray when the panel is rotated into the closed position.

Zeidan et al. provide an electromagnetic compatibility (EMC) sealed joint between adjacent faceplates and between faceplates and the shelf or tray (reference numerals 40a-c and 50a-c, Figure 7, and col. 5, lines 3-30). The EMC sealed joint "provides an effective EMC seal while minimizing or eliminating: (1) the necessity to increase the mating force/pressure, (2) the necessity to provide special surface treatment of the gasket and/or mating surface, and/or (3) the necessity to provide special handling or packaging of the gasket, faceplate, or shelf to avoid creasing, tearing or oxidation" (col. 1, line 67 through col. 2, line 9). In particular, the EMC sealed joint of Zeidan et al. provides an effective EMC seal between faceplates and between faceplates and the tray in compliance with industry standards for EMC and ESD.

According to MPEP 2143, to establish a prima facie case of obviousness, "there must be some suggestion or motivation, either [explicity or implicitly] in the references themselves or in the knowledge generally available to one of ordinary skill in the art, . . . to combine reference teachings." The MPEP states the test for an implicit showing as follows: "'what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art,'" MPEP 2143.01 (quoting In re Kotzab, 217 F.3d 1365, 1370 (Fed. Cir. 2000)). The MPEP cites to Ruiz v. A. B. Chance Co., 357 F.3d 1270 (Fed. Cir. 2004), as an example of a case applying the test for an implicit showing. In this case, "[t]he court found motivation to combine the references to arrive at the claimed invention in the 'nature of the problem to be solved' because each reference was directed to 'precisely the same problem.'"

Nowhere in either Tirrell at el. or Zeiden et al. is there an explicit suggestion or motivation to combine the EMC sealed joint of Zeiden et al. with the ejector (or lever) of Tirrell et al. Moreover, there is no implicit suggestion or motivation to combine the reference teachings. Unlike the patents in the Ruiz case, the Zeidan et al. and Tirrel et al. patents address very different problems. The Zeidan et al. patent addresses the problem of a non-continuous seal often forming between adjacent faceplates and between faceplates and the shelf. Noncontinuous seals create slot antennas which cause undesirable EMC leakage. On the other hand, Tirrell et al. address the problems associated with installing or removing disk drives from a chassis or housing. As described in the Tirrell et al. patent prior art, disk drives were inserted or removed using special tools in conjunction with some pushing and pulling by the operator. This increased the likelihood of breaking or bending pins or connectors. In addition, the operator was exposed to the voltage of the disk drive and sharp edges. Also, the disk drive could be damaged by electrostatic discharge from the operator. Since the nature of the problems to be solved in the Zeidan et al. and Tirrell et al. patents are very different there is no implicit suggestion or motivation in the references themselves to combine reference teachings.

The MPEP further states that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination." MPEP 2143.01. As support for this proposition, the MPEP cites to In re Mills, 916 F2d 680 (Fed. Cir. 1990). The patent at issue in the In re Mills case

included claims "directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. The prior art reference taught that the feed means can be run at a variable speed however the court found that this does not require the output pump to be run at the claimed speed so that air is drawn into the mixing chamber and is entrained in the ingredients during the operation." Id.

The Zeidan et al. patent states that "the EMC sealing according to the present invention can be used with other types of faceplates or in any joint or situation requiring an EMC seal such as a door or lid mating with walls and side panels on a telecommunication box" (col. 4, lines 4-8). Even though the Zeidan et al. patent states that EMC sealed joints can be used in any "situation requiring an EMC seal," it does not require that EMC sealed joints or grounding tabs be used on an ejector or lever as described and in the present invention. No other prior art, including Tirrell et al., suggest the desirability of combining grounding tabs with a lever as claimed in the present invention.

Since there is no evidence implicitly or explicitly suggesting or motivating the combination of Zeiden et al. with Tirrell et al. to produce Applicant's invention as set forth in claim 10 ("a panel. . . rotatably connected to the circuit sled module. . .comprises electrically conductive grounding tabs for electrically connecting the panel to an adjacent panel to provide a flat electrically continuous front panel surface"), claim 10 should be allowed. Independent claims 12-15 include similar limitations and should be allowed for at least the same reasons.

Since claims 2-3, 6-9, and 11 depend from claim 10, they should be allowed for at least the same reasons.

Therefore, Applicant respectfully submits that all claims are allowable over the prior art of record.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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